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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION  
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COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES  
BARRY WONG

IN THE MATTER OF THE FORMAL  
COMPLAINT AND REQUEST FOR  
DECLARATORY JUDGMENT OF PAC-WEST  
TELECOMM, INC. AGAINST QWEST  
CORPORATION.

DOCKET NO. T-03693A-05-0875  
DOCKET NO. T-01051B-05-0875

PROCEDURAL ORDER

**BY THE COMMISSION:**

On December 6, 2005, Pac-West Telecomm, Inc. ("Pac-West") filed with the Arizona Corporation Commission ("Commission") a complaint against Qwest Corporation ("Qwest"). Pac-West requested an expedited procedural order or procedural conference.

On January 10, 2006, Qwest filed its Answer to Complaint.

On March 20, 2006, Qwest filed its Amended Answer and Counterclaims. On May 5, 2006, Pac-West filed its First Amended Complaint.

On May 11, 2006, Qwest filed its Answer to First Amended Complaint; First Amended Counterclaim.

On May 30, 2006, Pac-West filed its Reply to Counterclaim.

A number of procedural events have occurred in this docket. On June 22, 2006, by Procedural Order, a hearing was scheduled and filing deadlines were established.

On July 12, 2006, Qwest filed its Amended Answer to Pac-West's First Amended Complaint; Second Amended Counterclaim.

On July 28, 2006, Pac-West filed a Motion in Limine to Bar References to VNXX Traffic. Pac-West filed the Direct Testimony of Ethan Sprague and Josh Thieriot on August 2, 2006, and filed its Reply to Qwest's Second Amended Counterclaim on August 9, 2006.

On August 23, 2006, Qwest filed its Response to Pac-West's Motion in Limine.

On August 30, 2006, Pac-West filed a Reply in Support of the Motion in Limine. Qwest filed a Motion for Partial Summary Judgment and a Motion to Compel and Motion to Extend Deadline for

1 Filing Direct Testimony.

2 On September 5, 2006, a telephonic procedural conference was held. The parties agreed that  
3 due to the ongoing discovery dispute, the current procedural schedule should be suspended and oral  
4 argument should be scheduled to address Pac-West's Motion in Limine and Qwest's Motion for  
5 Partial Summary Judgment. A decision regarding Qwest's Motion to Compel will be made following  
6 adjudication of the issues raised by Pac-West's Motion in Limine and Qwest's Motion for Partial  
7 Summary Judgment.

8 IT IS THEREFORE ORDERED that a **procedural conference for the purpose of oral**  
9 **argument** regarding Pac-West's Motion in Limine and Qwest's Motion for Partial Summary  
10 Judgment shall be held at **1:30 p.m. on September 21, 2006** at the Commission's offices at 1200  
11 West Washington, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that the current procedural schedule established by the June 22,  
13 2006 Procedural Order shall be, and hereby is, suspended.

14 IT IS FURTHER ORDERED that Pac-West shall file its response to Qwest's Motion for  
15 Partial Summary Judgment no later than September 15, 2006.

16 IT IS FURTHER ORDERED that the issues raised by Qwest in its August 30, 2006 Motion to  
17 Compel shall be addressed after an adjudication of Pac-West's Motion in Limine and Qwest's  
18 Motion for Partial Summary Judgment.

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
20 Communications) applies to this proceeding and shall remain in effect until the Commission's  
21 Decision in this matter is final and non-appeable.

22 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
23 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

24 Dated this 7 day of September, 2006

25  
26  
27   
28 AMY BJELLAND  
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered  
this 1 day of September, 2006 to:

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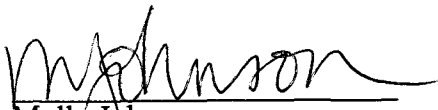
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